IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3565/07
Kailash Vs. State of Raj. & Anr.

4.10.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Bachu Singh Gurjar for petitioner.
Shri B.K. Sharma, Dy. GA for State.

The petitioner who is a convict and is presently serving sentence in Central Jail, Jodhpur has filed this writ petition with the prayer that the respondents be directed to consider his case for transferring him to Open Air Camp.

The respondents in their reply have come out with the plea that all the cases were considered by the Prisoners Open Air Camp Advisory Committee in its meeting held on 28.2.2007. The name of

petitioner as per the seniority list prepared by him appeared at S.No.64 but as on date there is no accommodation available in the Open Air Camp and as and when accommodation becomes available, the case of the petitioner shall be considered on the basis of his priority which is based on the principle that convicts having served longer terms of imprisonment are preferred over those who have served lesser terms of imprisonment. The respondents in this regard have referred to Rule 5 and 6 of the Rajasthan Prisoners Open Air Camp Rules, 1972.

In the facts and circumstances of the case, therefore, at this stage no mandamus can be issued to the respondents to transfer the petitioner to Open Air Camp in view of their statement that the

case of the petitioner shall be considered as and when accommodation becomes available.

The writ petition is disposed of accordingly.

(Mohammad Rafiq),J.

Rs/-